

Message Text

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ACTION DLOS-09

INFO OCT-01 NEA-10 IO-14 ISO-00 AF-10 ARA-14 EA-12
EUR-12 OIC-02 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00
EB-08 EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00 H-02
INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02
OES-07 OMB-01 PA-02 PM-05 SP-02 SS-15 ICA-20
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TO SECSTATE WASHDC 8855
LOS COLLECTIVE
AMEMBASSY KATHMANDU
AMEMBASSY SUVA

UNCLAS GENEVA 06274

E.O. 11652: N/A
TAGS: PLOS
SUBJECT: NJENGA REDRAFT OF ARTICLE 151

1. NJENGA REQUESTED THAT DELEGATES AT A LATER DATE
MAKE COMMENT ON HIS PERSONAL REDRAFT OF ARTICLE 151.
TEXT OF THIS DRAFT FOLLOWS:

BEGIN QUOTE

SUGGESTED COMPROMISE FORMULA

ARTICLE 151 - SYSTEM OF EXPLORATION AND EXPLOITATION

1. ACTIVITIES IN THE AREA SHALL BE CARRIED OUT,
ORGANIZED AND CONTROLLED BY THE AUTHORITY ON BEHALF
OF MANKIND AS A WHOLE IN ACCORDANCE WITH THE PROVISIONS
OF THIS ARTICLE AS WELL AS OTHER RELEVANT PROVISIONS
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OF THIS PART OF THE PRESENT CONVENTION AND ITS
ANNEXES, AND THE RULES, REGULATIONS AND PROCEDURES OF
THE AUTHORITY ADOPTED UNDER SUBPARAGRAPH (XVI) OF
PARAGRAPH 2 OF ARTICLE 158 AND SUBPARAGRAPH (XIV)
OF ARTICLE 160.

2. ACTIVITIES IN THE AREA SHALL BE CARRIED OUT AS

AUTHORIZED BY THE AUTHORITY AS PRESCRIBED IN PARAGRAPH 3 BELOW:

- (I) BY THE ENTERPRISE, AND
- (II) IN ASSOCIATION WITH THE AUTHORITY BY STATES
- ENTITIES, OR PERSONS NATURAL OR JURIDICAL
- WHICH POSSESS THE NATIONALITY OF STATES
- PARTIES OR ARE EFFECTIVELY CONTROLLED BY THEM OR THEIR
- NATIONALS, WHEN SPONSORED BY SUCH STATES, OR ANY GROUP
- OF THE FOREGOING WHICH MEET THE REQUIREMENTS PROVIDED
- IN THIS PART OF THE PRESENT CONVENTION INCLUDING
- ANNEX II.

3. ACTIVITIES IN THE AREA SHALL BE CARRIED OUT IN ACCORDANCE WITH A FORMAL WRITTEN PLAN OF WORK DRAWN UP IN ACCORDANCE WITH ANNEX II TO THE PRESENT CONVENTION AND APPROVED BY THE COUNCIL AFTER REVIEW BY THE TECHNICAL COMMISSION. IN THE CASE OF ACTIVITIES IN THE AREA CARRIED OUT AS AUTHORIZED BY THE AUTHORITY BY THE ENTITIES SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH 2 OF THIS ARTICLE, SUCH A PLAN OF WORK SHALL IN ACCORDANCE WITH-----PARAGRAPH 3 OF ANNEX II BE IN THE FORM OF A CONTRACT. SUCH CONTRACTS MAY PROVIDE FOR JOINT ARRANGEMENTS IN ACCORDANCE WITH-----PARAGRAPH 5 OF ANNEX II.

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4. THE AUTHORITY SHALL EXERCISE SUCH CONTROL OVER ACTIVITIES IN THE AREA AS IS NECESSARY FOR THE PURPOSE OF SECURING COMPLIANCE WITH THE RELEVANT PROVISIONS OF THIS PART OF THE PRESENT CONVENTION, INCLUDING ITS ANNEXES, AND THE RULES, REGULATIONS AND PROCEDURES OF THE AUTHORITY ADOPTED UNDER SUBPARAGRAPH (XVI) OF PARAGRAPH 2 OF ARTICLE 158 AND SUBPARAGRAPH (XIV) OF PARAGRAPH 2 OF ARTICLE 160 AND THE PLANS OF WORK APPROVED IN ACCORDANCE WITH PARAGRAPH 3 OF THIS ARTICLE. STATE PARTIES SHALL ASSIST THE AUTHORITY BY TAKING ALL MEASURES NECESSARY TO ENSURE SUCH COMPLIANCE, IN ACCORDANCE WITH ARTICLE 139.

5. THE AUTHORITY SHALL HAVE THE RIGHT TO TAKE AT ANY TIME ANY MEASURES PROVIDED FOR UNDER THIS PART OF THE PRESENT CONVENTION TO ENSURE COMPLIANCE WITH ITS TERMS, AND THE PERFORMANCE OF THE CONTROL AND REGULATORY FUNCTIONS ASSIGNED TO IT THEREUNDER OR UNDER ANY CONTRACT. THE AUTHORITY SHALL HAVE THE RIGHT TO INSPECT ALL FACILITIES IN THE AREA USED IN CONNECTION WITH----- ACTIVITIES IN THE AREA.

6. A CONTRACT UNDER PARAGRAPH 3 OF THIS ARTICLE SHALL
PROVIDE FOR SECURITY OF TENURE. ACCORDINGLY, IT SHALL NOT
BE -----, REVISED, SUSPENDED OR TERMINATED EXCEPT IN
ACCORDANCE WITH PARAGRAPHS 12 AND 13 OF ANNEX II. END QUOTE
RICHARDSON

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NNN

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